

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

CIVIL ACTION NO.: 04-40113-FDS

ELIZABETH R. STEFFENBERG,)	(Christine S. Collins BBO#639293)
)	
Plaintiff,)	
)	
v.)	
)	
T. GENE GILMAN, STEVEN GILMAN,)	
THE GILMAN INSURANCE)	
AGENCY, INC., DAVID M. SCOLL,)	
ARBOR SECURITIES, LTD.,)	
ALLIANCE INVESTMENT)	
MANAGEMENT, COMMONWEALTH)	
FINANCIAL HOLDINGS INC.,)	
FINANCIAL LINKS, INC.,)	
T. GILMAN & CO., LTD.,)	
AVIVA LIFE INSURANCE COMPANY,)	
TRADETEK, LTD., and)	
TRADETEK, LLC,)	
)	
Defendants.)	

**PLAINTIFF'S REPLY TO OPPOSITION OF DEFENDANT DAVID M. SCOLL TO
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Plaintiff Elizabeth R. Steffenberg ("Mrs. Steffenberg") submits this Reply to the Opposition of Defendant David M. Scoll ("Scoll") to Plaintiff's Motion for Default Judgment Pursuant to Fed. R. Civ. P 55 filed on February 18, 2005. In further support therefor, Mrs. Steffenberg states as follows:

1. In his Reply, Scoll unjustly attempts to delay resolution of this matter and Mrs. Steffenberg's attempts to recover over \$1 million in monies she and her now deceased husband, Arthur J. Steffenberg, invested with Defendants T. Gene Gilman, Steven Gilman, The Gilman Insurance Agency, Inc., Arbor Securities, Ltd., Commonwealth Financial Holdings Inc.,

Financial Links, Inc., T. Gilman & Co., Ltd., TradeTek, Ltd. and TradeTek, LLC (the "Defaulted Defendants").

2. First, Mrs. Steffenberg's Motion is procedurally proper. The Defaulted Defendants have had every opportunity to appear and/or otherwise defend this action but have failed to make any attempt to defend the substantial claims that Mrs. Steffenberg has asserted against them. Accordingly, Mrs. Steffenberg filed her Motion for Default Judgment against the Defaulted Defendants in accordance with, and pursuant to, this Court's Standing Order dated January 10, 2005 which required the prompt filing of her Motion after the Entry of Default.

3. Moreover, justice demands speedy resolution of Ms. Steffenberg's Motion for Default Judgment. At approximately 80 years of age, Mrs. Steffenberg is very elderly and wishes to commence collection proceedings against the Defaulted Defendants in order to recoup what monies she can from the Defaulted Defendants while she is physically and mentally able.

4. Finally, Scoll will not, in reality, be prejudiced by allowance of Mrs. Steffenberg's Motion for Default Judgment. As an initial matter, Scoll's opposition is based purely on theoretical speculation as to the likelihood of "inconsistent judgments", but the truth of the matter is that, in his Opposition, Scoll seeks to protect the Defaulted Defendants, not himself. Specifically, the essence of Scoll's argument is that Mrs. Steffenberg may be unsuccessful in proving her claims against him and, if, prior to that outcome, this Court allows Mrs. Steffenberg's Motion against the Defaulted Defendants, the Defaulted Defendants (not Scoll) will be left with a judgment against them. In addition, Mrs. Steffenberg has not asserted joint and several liability as to Scoll and the Defaulted Defendants and therefore, the judgment resulting from Mrs. Steffenberg's Motion will not be, and cannot be, against Scoll. Accordingly,

Scoll will simply not be prejudiced by allowance of Mrs. Steffenberg's Motion for Default Judgment.

5. In sum, Scoll is making a thinly-veiled attempt to protect the Defaulted Defendants, parties to this action who have refused and/or failed to defend the serious claims Mrs. Steffenberg has asserted against them, while, on the other hand, Mrs. Steffenberg seeks only to pursue the legal remedies to which she, an elderly woman defrauded of over \$1 million, is entitled. This Court should not permit Scoll to impede Mrs. Steffenberg's efforts to collect monies she is owed in which he has neither a legitimate nor an articulated interest.

WHEREFORE, Plaintiff Elizabeth R. Steffenberg respectfully requests that this Court allow her Motion for Default Judgment Pursuant to Fed. R. Civ. P. 55.

Respectfully submitted,

ELIZABETH R. STEFFENBERG
By her attorneys,

/s/ Christine S. Collins

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